

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL (ST.) NO.10191 OF 2020
(V.I.D.C Vs. Rajendra Nanaji Gonde & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.D. Marathe, Advocate for the appellant.
Shri. S.V. Ingole, Advocate for respondent No.1.
Shri M.A. Kadu, A.G.P. for the State.

CORAM : M.S. KARNIK, J.
DATED : APRIL 12, 2022.

CIVIL APPLICATION NO.1121 OF 2021

Heard.

2. This is an application for condonation of delay of 202 days in filing the appeal.

3. In the application it is stated that the appellant is a statutory body and its officials were busy in execution and supervision of various irrigation projects under its division and therefore the decision with respect to preferring appeal could not be worked out at an early stage. Being the statutory body, the appellant has hierarchy structure to take administrative decision in order to file the instant appeal and in complying with the said administrative procedure, the delay was caused which is not intentional or deliberate. It is further stated that due to Covid-19 pandemic there was administrative delay in getting funds for the court fee which was beyond the control of the appellant.

4. This application is opposed by the learned counsel appearing on behalf of respondent No.1 and

learned A.G.P. for respondent Nos.2 and 3.

5. The entire amount awarded has been deposited.

6. Considering the reasons stated in the application, in the interest of justice I am inclined to condone the delay of 202 days in filing the appeal subject to payment of costs of Rs.1000/- (Rs. One thousand only) by the appellant to the claimants.

7. The delay is condoned and the civil application is allowed and disposed of accordingly.

FIRST APPEAL (ST.) NO.10191 OF 2020

Heard.

2. **ADMIT.**

3. Call for R. & P.

4. Service of notice is waived on behalf of respondent Nos.1 to 3 by the respective counsel.

5. Private paper book be filed within a period of six months from today.

CIVIL APPLICATION NO.844 OF 2022

This is an application filed by claimant/respondent No.1 for permission to withdraw entire decretal amount deposited by the appellant.

2. This application is strongly opposed by the learned counsel appearing on behalf of the appellant and learned A.G.P. for respondent Nos.2 and 3.

3. There is no dispute that in respect of the very same project, another appeal was filed by different set of

claimants in this Court for their lands acquired praying for withdrawal of decretal amount deposited, when the following order came to be passed on 26/08/2021 which is reproduced below :

“Heard.

2] This is an application filed on behalf of the applicant/ respondent No.1 seeking permission for withdrawal of the decretal amount, i.e., Rs.1,72,838/-, which was deposited by the appellants with the Registry of this Court vide Pursis St. No.15164/2019 dated 18/11/2019.

3] Considering the amount involved, so also considering the reasons mentioned in para 2 and 3 of the application, the same is allowed. The applicant/ respondent No.1/ decree holder is permitted to withdraw 75% of the decretal amount (Rs.1,72,838/-) along with interest accrued thereon, on furnishing usual undertaking before the Registrar (Judicial).

4] Civil Application stands disposed of.”

4. In these circumstances, considering the amount involved so also the reasons mentioned in the application, the applicant/claimant is permitted to withdraw 75% of the decretal amount awarded along with interest accrued thereon, on furnishing usual undertaking before the Registrar (J.).

5. The civil application is disposed of accordingly.